

EA



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,268	10/31/2003	Marc D. Curtis	552P008	1668

7590

09/27/2005

Kevin S. Lemack
Niels & Lemack
Suite 7
176 E. Main Street
Westboro, MA 01581

EXAMINER

WEBB, TIFFANY LOUISE

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/698,268

Applicant(s)

CURTIS, MARC D.

Examiner

Tiffany Webb

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/19/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/2/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a snow plow blade, a chain saw, and a jack hammer must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to because reference characters 32, 55, and 35 are not clearly identified in Figure 1. Corrected drawing sheets in compliance with 37 CFR

Art Unit: 3616

1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: the acronym "ATV" (page 1 line 11) should be written out as all-terrain vehicle.

Appropriate correction is required.

Claim Objections

4. Claim 1 is objected to because of the following informalities: language in claim is unclear. Claim 1 states "at least one driven pulley coupled to said at least drive pulley

via an endless belt." Appropriate correction is required. The examiner suggests writing claim as "at least one driven pulley coupled to at least one drive pulley via an endless belt."

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foote et al. (US 4,577,712) in view of Pralle (US 4,864,878). Regarding claim 1, Foote et al. discloses an off-the-road vehicle having a torque converter (78), including a shaft (70), and a shaft extension, with a hydraulic system including a hydraulic pump (92) driven by the shaft and in communication with hydraulic fluid (col. 4 lines 17-18) for operating a working implement (Abstract, lines 25-28). Foote et al. fails to disclose a drive pulley on the shaft with an endless belt or a driven pulley on the hydraulic pump. Pralle teaches that a shaft for a power take off (12) can be used in conjunction with a pulley (16) to drive an endless belt (17) around a driven pulley (18). Pralle teaches that the use of a belt and pulley system can be used in driving a hydraulic pump. Foote et al. and Pralle are analogous art because both include the use of a hydraulic pump in operation with working implements. It would have been obvious to a person having ordinary skill in the art at the time of the invention to provide an endless belt, a drive pulley, and driven pulley in the system of Foote et al. in view of Pralle because Pralle

Art Unit: 3616

teaches that the belt drive system can be used where a chain is used to drive a hydraulic pump. Further, regarding claim 2, Foote et al. discloses having a clutch for engaging the hydraulic system (96). With respect to claim 3, Foote et al. and Pralle discloses the claimed invention except for having a second drive pulley and a second driven pulley via a second endless belt. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a second driven pulley and a second driven pulley via a second endless belt, so as to reduce slippage of the belt during torque increase, and since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

7. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foote et al. in view of Pralle as applied to claims 1 and 2 above, and further in view of Shultz et al. (US 6,691,435). Foote et al. and Pralle are discussed above and fail to disclose having an actuator for diverting hydraulic fluid from a hydraulic pump to a working implement or having a snow plow blade as a working implement. Regarding claim 4, Shultz et al. discloses having actuators for diverting hydraulic fluid away from a hydraulic pump (114) to a working implement (col. 4, lines 60-64). Further regarding claim 5, Shultz et al. discloses having a snow plow blade (114) as a working implement. Shultz et al. teaches including a snow plow blade as a working implement and using actuators to divert hydraulic fluid from a pump to the working implement. It would have been obvious to a person having ordinary skill in the art at the time of the invention to provide a snow plow blade and hydraulic actuators in the system of Foote et al. in view

of the teachings of Shultz et al. so as to allow for a vehicle to include a hydraulic snow plow blade and also actuators for controlling working implements and diverting fluid from the implement to a pump when the implement is not in use.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foote et al. in view of Pralle as applied to claims 1 and 2 above, and further in view of Duttarer (US 4,136,909). Foote et al. and Pralle are discussed above and fail to disclose having a dump body as a working implement. Duttarer discloses having a dump body (36) for connection to a vehicle as a working implement. Duttarer teaches using a dump body as a working implement and using a hydraulic system to operate the dump body. It would have been obvious to a person having ordinary skill in the art at the time of the invention to provide a dump body in the system of Foote et al. in view of the teachings of Duttarer so as to allow for a vehicle to have a dumping implement that can be moved through positions to allow for easier disposal of items in the dump body.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foote et al. in view of Pralle as applied to claims 1 and 2 above, and further in view of Jordan (US 3,604,479). Foote et al. and Pralle are discussed above and fails to disclose having a chain saw as a working implement. Jordan discloses having a chain saw device (134, 136) that is hydraulically operated (20) and can be mounted to the front of a vehicle. Jordan teaches that a chain saw can be used as a working implement through hydraulic power on a vehicle. It would have been obvious to a person having ordinary skill in the art at the time of the invention to provide a chain saw in the system

Art Unit: 3616

of Foote et al. in view of the teachings of Jordan in order to allow for a vehicle to have a chain saw as a working implement to perform functions such as felling trees.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foote et al. in view of Pralle as applied to claims 1 and 2 above, and further in view of Christensen (US 3,004,523). Foote et al. and Pralle are discussed above and fail to disclose having a jack hammer as a working implement. Christensen discloses having an impact tool that can be a jack hammer (10) that is hydraulically operated (col. 1, lines 15-16). Christensen teaches having a hydraulically operated jack hammer as a working implement that is connected to any type of hydraulic system. It would have been obvious to a person having ordinary skill in the art at the time of the invention to provide a jack hammer in the system of Foote et al. in view of the teachings of Christensen in order to allow for the vehicle of Foote et al. to have a jack hammer as a working implement connected to a hydraulic system.

Conclusion

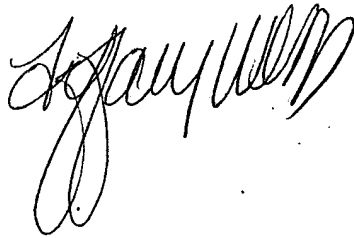
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following include hydraulically actuated working implements: Kime et al. (US 4,898,333), Dvorak et al. (US 6,837,319), and Henke (2,553,454).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany Webb whose telephone number is 571-272-2797. The examiner can normally be reached on 8-4:30 M-F.

Art Unit: 3616

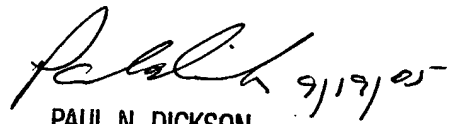
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tiffany Webb
Examiner
Art Unit 3616

tlw



PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600